



WEB COPY



CRL OP(MD) NO. 17671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-10-2025

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 17671 of 2025

1. John Peter

2. K.JANAGAN

3. M.MICHAEL JACKSON

Petitioner(s)

Vs

1. State of Tamil Nadu Rep by,
The Inspector of Police,
Rajakamangalam Police Station,
Kanyakumari District.

2. The Inspector of Police,
Shivaji Nagar Thane Police Station,
Pune City,
Maharashtra State.

Respondent(s)

For Petitioner(s): Mr.R.Anandha Raj

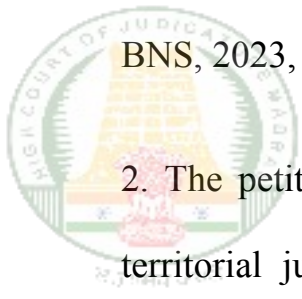
For Respondent(s): Mr.S.S.Manoj, Government Advocate (Crl.side)

Prayer:

C-24AB.For Anticipatory Bail in Crime No.0143/2025 on the file of the respondent Police.

ORDER

The petitioners, who apprehend arrest at the hands of the 2nd respondent Police, for the offences punishable under Sections 61(2), 340(2), 336(3), 336(2), 318(4), 316(2) and 35 of



BNS, 2023, in Crime. No.143 of 2025, seek interim anticipatory bail.



2. The petitioners, who had been accused of non-bailable offences committed beyond the territorial jurisdiction limit of the State of Tamil Nadu, has approached this Court for anticipatory bail, so as to enable him to approach appropriate Court.

3. The case of the prosecution is that the petitioners cheated the defacto complainant by receiving Rs.1,78,95,000/- in the pretext of processing fee for a loan to the tune of Rs. 81,00,00,000/-. Hence, the case.

4. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution.

5. Heard the learned Government Advocate (Criminal Side) appearing for the 1st respondent.

6. The issue as to whether, in respect of the persons, who have been accused of a non-bailable offence, committed beyond the territorial jurisdiction of the State of Tamil Nadu, and if his arrest is sought within the jurisdiction of this Court, irrespective of the fact that he is a resident of the place over which this Court can grant anticipatory bail under Section 482 of BNSS, came up for consideration before a Division Bench of this Court in the case of S.P.Shanthi Swaroop v. State of Tamil Nadu, rep. By Asst. Commissioner of Police, Central Crime Branch, Madras reported in 1992 L.W.(CrL.) 475. After elaborate discussion, decisions and considering the ratio laid down by the Patna High Court in Syed Safrul Hassan v. State, the Division Bench has passed the following order :

“For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 Cr.P.C. To grant anticipatory bail irrespective of the



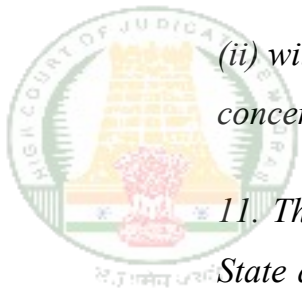
locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court can grant anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited period and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioner available for interrogation by the concerned police in the meantime. The reference is answered accordingly.”

7. Thereafter, a learned Single Judge of this Court in the case of P.Thangavelu and others v. State, rep. By the Inspector of Police and other reported in 2017 (2) MWN (Cr.) 633 has passed the following order :

“9.Thus, it is seen that though in the State of Uttar Pradesh, the provisions of Section 438, Cr.P.C., enabling grant of Anticipatory bail has been deleted, still the Courts have power to grant Inter-State Anticipatory Bail, more particularly taking into account the provisions under Article 21 of the Constitution of India. In the light of the above Judgments and discussions, this Court is of the view that Inter-State Anticipatory Bail can be granted to the petitioner for a limited period to enable them seek appropriate Bail Orders from the concerned Court

10. Accordingly, Interim Anticipatory Bail is granted to the petitioner herein till 01.08.2016. The petitioners are directed to be enlarged on Bail in the event of their arrest or on their appearance before the Judicial Magistrate concerned, subject to the following conditions:

(i) Each petitioner shall execute a Personal Bond for a sum of Rs.10,000- (Rupees ten thousand only) with two sureties, to the satisfaction of the Respondent-Police or the Police Officer, who intends to arrest or to the satisfaction of the Magistrate concerned;



(ii) within the said period, ie., before 01.08.2016, the petitioner shall appear before the concerned Court of Jurisdiction and move for Anticipatory Bail before the said

11. This Court makes it very clear that Interim Anticipatory Bail pertaining to Inter-State disputes cannot be sought as a matter of right and it is purely the discretion of the Court in granting the same, considering the facts, circumstances and also the nature of offences. It is also made clear that this order, on being produced, shall be punctually observed and executed by all concerned.”

8. In view of the decisions cited supra, this Court is inclined to grant interim anticipatory bail to the petitioners till 09.12.2025. Accordingly, interim anticipatory bail is granted to the petitioners till 09.12.2025. The petitioners are directed to be enlarged on bail in the event of arrest or on their appearance before the respondent police and on further conditions that :

(i) the petitioners shall execute a Personal Bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.1, Nagercoil;

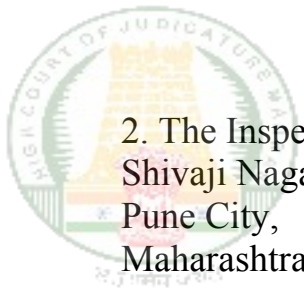
(ii) within the said period, i.e, before 09.12.2025, the petitioners shall file appropriate application before the concerned jurisdictional Court for pre-arrest/anticipatory bail.

14-10-2025

Tmg

To

1. The Inspector of Police,
Rajakamangalam Police Station,
Kanyakumari District.



2. The Inspector of Police,
Shivaji Nagar Thane Police Station,
Pune City,
Maharashtra State.

3. The Judicial Magistrate No.1,
Nagercoil.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.